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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/169,024 10/09/98 STABLE

D 97-149

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MMC2/0509

EXAMINER

NGUYEN, V

ART UNIT

PAPER NUMBER

2858

DATE MAILED:

05/09/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/169,024	Applicant(s) STABLE, DWIGHT W.	
	Examiner VINH P NGUYEN	Art Unit 2858	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 1998.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- | | |
|---|--|
| 14) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 17) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 15) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 18) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 16) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 19) <input type="checkbox"/> Other: |

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1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

2. Claims 1-19 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It appears that the specification does not have sufficient support showing how all elements in the testing device are used for performing tests of a meter under test and what types of the measurements are obtained in order to determine the defects of the meter under test. Furthermore, it is unclear what "element (62)" is and how it can be used for creating a resistance.

3. The drawings are objected to because element (62) is not shown in any of drawings. Correction is required.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features of "a light", "a fuse", "dry water heater" and "an element" as recited in claims 1-2, 11, 14 and 17 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

5. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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In claim 1, it is unclear what “a light”, “connection leads” and “an element with at least two leads” represent. Are they shown in any of drawings? In claim 2, it is unclear what “a fuse” represents. Is it shown in any of drawings? In claim 11, it is unclear what “dry water heater element” represents. Is it shown in any of drawings? In claim 12, it is unclear how the step of generating a resistance is performed. In claim 14, it is unclear what “light” represents. Is it shown in any of drawings? In claims 16-17, it is unclear how the step of generating a resistance is performed. In claim 17, it is unclear what “a fuse”, “a light” and “an element” represent. Are they shown in any of drawings? In claim 19, it is unclear what “dry water heater element” represents. Is it shown in any of drawings? The dependent claims not specifically address share the same indefiniteness as they depend from rejected base claims.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 12-16 (insofar as understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner (Pat # 2,093,178 cited on the PTO-1449 by Applicant)

As to claims 12-13 and 15-16, Wagner discloses an electric meter testing device having a testing device (15) with a plurality of switches (22,122,25) and leads connected to the electric

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meter. During the test, it would have been obvious that the testing device generates a resistance and the activation of the meter and generation of the resistance are also noted. Furthermore, it would have been well-known for one of ordinary skill in the art to disengage the connection leads after the test is done. Since the limitation of light is unclear, this limitation is not given any patentable weight.

8. Claims 1-11 (insofar as understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips et al (Pat # 4,646,003).

As to claims 1-11, Phillips et al disclose a meter testing device having a case (40), at least a pair of connection leads (36,37), a circuit breaker (hand switch), a light (27) connected between element terminal and the connection leads (36,37). It would have been well-known for one of ordinary skill in the art to use this device for testing poly-phase meter and to disengage the connection leads after the test is done.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Carr et al (Pat # 5,821,742) disclose computerized solid state energy meter test system and method of testing.

Draus et al (Pat # 5,650,717) disclose a portable apparatus for testing an electric utility meter.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINH P. NGUYEN whose telephone number is (703) 305-4914.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4900.


VINH P. NGUYEN
PRIMARY EXAMINER
ART UNIT 2858
05/05/2000
